UNITED STATES PATENT AND TRADEMARK OFFICE

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Raymond M Galasso
Simon Galasso & Frantz
P O Box 26503
Austin, TX 78755-0503

EXAMINER
ALAM, MUSHFIKH I

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 February 2010_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-35_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-35_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _10/27/2008_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-35 are pending.

Election/Restrictions

2.   Applicant's election without traverse of claims 1-35 in the reply filed on

2/26/2010 is acknowledged.

Claim Objections

3.   Claims 9, 19, 31 are objected to because of the following informalities: the

claims are not listed, it appears they have been cut off. Appropriate correction is

required. Accordingly, the claims 9, 19, 31 not been further treated on the merits

4.   Claims 10 and 32 are objected to under 37 CFR 1.75(c) as being in

improper form because they are dependent upon an improper claim.

Accordingly, the claims 10 and 32 not been further treated on the merits.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section
> 122(b), by another filed in the United States before the invention by the applicant for patent or
> (2) a patent granted on an application for patent by another filed in the United States before
> the invention by the applicant for patent, except that an international application filed under
> the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
> application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-7, 11-15, 20, 21-30, 33-35 are rejected under 35 U.S.C. 102(e)
as being anticipated by Stern US (6553404).

        Claim 1, Stern teaches an interactive multi-media system, comprising:

        a console (130) configured for facilitating an interactive experience via a
multi-media presentation apparatus (wall of eyes), wherein the interactive
experience is defined by an information instantiation (user statistics) integrating
multiple multi-media assets of different instantiation formats (video clips, audio
clips, promotions, etc.) and wherein the interactive experience requires
facilitation of query-response between an audience of experience participants
and the console (figs. 1A-1B; col. 15, lines 15-20, col. 17, lines 7-55); and

        an audience control apparatus (receiver/decoder) coupled to the console
and capable of facilitating said query-response functionality (col. 11, lines 8-43).

        Claim 2, Stern teaches the interactive multi-media system of claim 1
wherein:

        the console includes an Application Programmer's Interface (e.g. software,
maintenance module) configured for facilitating creation of the information
instantiation (i.e. based on user usage) defining the interactive experience (col.
15, lines 16-19, col. 17, lines 8-28).

Claim 3, Stern teaches the interactive multi-media platform of claim 2 wherein the API module facilitates each one of said multi-media assets being assigned a corresponding type of experience content identifier (music videos, home video trailers, ads, etc.) and each one of said multi-media assets being associated with a designer-specified experience segment, thereby enabling integration of multi-media assets of different instantiation formats (different types of entertainment) into the interaction experience (col. 19, lines 14-59).

Claim 4, Stern teaches the interactive multi-media platform of claim 2 wherein:

the API module creates an experience segment (e.g. finished show image) including a plurality of experience segment components (music videos, home video trailers, ads, etc.), different instantiation formats (col. 19, lines 14-59); and

the experience segment is structured in accordance with a specification format specified by an API of the API module (e.g. advertise, NMC, or other module) (col. 19, lines 14-29).

Claim 5, Stern teaches the interactive multi-media platform of claim 4 wherein the specification format designates a structure for:

assigning each one of said multi-media assets with a corresponding type of experience content identifier (e.g. file type, music video, trailer, etc.); and

associating said multi-media assets with a corresponding experience segment (play criteria, i.e. "5 videos per hour"), thereby enabling integration of said multi-media assets into the interaction experience (col. 19, lines 14-59).

Claims 6 and 14, Stern teaches the interactive multi-media platform of claim 1 wherein:

the console includes an Application Programmer's Interface (API) module (maintenance module) (col. 15, lines 16-19, col. 17, lines 8-28);

the API module includes a specification format (finished show image) for defining an interactive experience, wherein the specification format enables multiple multi-media assets of different instantiation formats (music videos, trailers, etc.) to be integrated in the information instantiation defining the interactive experience (col. 19, lines 14-59).

Claims 7 and 15, Stern teaches the interactive multi-media platform of claim 6, further comprising:

a distributed component communication module (125) configured for enabling communication between the API module and other platform modules (fig. 1A).

Claim 11, Stern teaches the interactive multi-media platform of claim 6, further comprising:

a network server module (150) accessible configured for providing

network connectivity for enabling uploading of information by the said multi-

media assets from a remote system and the information instantiation defining the

interactive experience (col. 14, lines 35-60).

Claims 12 and 20, Stern teaches the interactive multi-media platform of

claim 6, further comprising:

an audience control processor module configured for enabling

communication between a console and an audience control apparatus (fig. 2B).

Claim 13, Stern teaches the interactive multimedia system of claim 1,

further comprising:

a POS system (endcap module) coupled to the console and configured for

providing POS functionality (products), wherein the console further includes a

communication interpretation module configured for enabling information

transmitted from the console for reception by the POS system to be translated

into a format that can be interpreted by the POS system (i.e. ability to play video

and audio related to user selections) (col. 18, lines 4-56).

Claim 21, Stern teaches an interactive multi-media system, comprising:

a display capable of displaying multi-media information (fig. 2B);

one or more input central devices capable of enabling one or more users

to interact with the multi-media information (fig. 2B); and

characterized by an interactive engine including an Applications

Programmer's Interface (API) having a format interpreter capable of enabling a

programmer to combine multiple multi-media formats for display on said display

(col. 15, lines 16-19, col. 17, lines 8-28, col. 19, lines 14-59).

Claims 22 is interpreted as a method of claims 1 and 3.

Claims 23 is interpreted as a method of claims 2 and 4.

Claims 24 is interpreted as a method claim of claim 11.

Claim 25, Stern teaches the method of claim 24, further comprising:

uploading the information instantiation defining the interactive experience

from a remote data processing system after said creating the information

instantiation is complete (col. 19, lines 14-59).

Claim 26, Stern teaches the method of claim 22 wherein implementing

said query-response functionality includes presenting a query to an audience of

experience participants and prompting a query response (col. 19, lines 14-59).

Claim 27, Stern teaches the method of claim 26, further comprising:

receiving query responses from at least a portion said experience

participants after prompting the query response (selections, quizzes, etc.),

wherein at least a portion of said query responses are received from different

interactive devices (wall-of-eyes, listening posts, etc.) (col. 14, lines 35-60, col.

19, lines 14-59).

Claim 28 is analyzed as a combination of claims 1, 22 and 26-27.

Claim 29 is a "computer readable medium" for performing the steps of

claims 1, 22, 28. Stern inherently teaches a "computer readable medium" for

performing the steps of claim 1, 22, 28.

Claim 30 is a "computer readable medium" for performing the steps of

claims 2-4. Stern inherently teaches a "computer readable medium" for

performing the steps of claims 2-4.

Claim 33 is a "computer readable medium" for performing the steps of

claim 26. Stern inherently teaches a "computer readable medium" for performing

the steps of claim 26.

Claim 34 is a "computer readable medium" for performing the steps of

claim 27. Stern inherently teaches a "computer readable medium" for performing

the steps of claim 27.

Claim 35 is a "computer readable medium" for performing the steps of

claims 1, 22, 27-28. Stern inherently teaches a "computer readable medium" for

performing the steps of claim 1, 22, 27-28.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

8.   Claims 8, 16, 17-18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Stern US (6553404) in view of Nagaoka et al. (US

2002/0092024).

        Claims 8 and 16, Stern is silent regarding the interactive multi-media

platform of claim 6, further comprising:

        a communication interpretation module configured for enabling information

transmitted for reception by an non-integrated system to be translated into a

format that can be interpreted by a non-integrated system.

        Nagaoka teaches the interactive multi-media platform of claim 6, further

comprising:

        a communication interpretation module (TMS) configured for enabling

information transmitted for reception by an non-integrated system (mobile device)

to be translated into a format (displayable on the mobile phone) that can be

interpreted by a non-integrated system (paragraphs [0190]-[0194]).

Therefore, it would have been obvious at the time the invention was made to have provided mobile phone access as taught by Nagaoka to the system of Stern to allow anyone with a mobile phone to participate in the interactive experience (paragraph [0190]).

Claim 17, Stern is silent regarding the interactive multi-media platform of claim 16 wherein the communication interpretation module is configured by the API module and wherein the interactive experience is at least partially dependent upon transmitting said information for reception by the non-integrated system.

Nagaoka teaches the interactive multi-media platform of claim 16 wherein the communication interpretation module (TMS) is configured by the API module (31) and wherein the interactive experience is at least partially dependent upon transmitting said information for reception by the non-integrated system (fig. 7; paragraph [0190]).

Therefore, it would have been obvious at the time the invention was made to have provided mobile phone access as taught by Nagaoka to the system of Stern to allow anyone with a mobile phone to participate in the interactive experience (paragraph [0190]).

Claim 18, Stern is silent regarding the interactive multi-media platform of claim 17, further comprising:

a distributed component communication module coupled to the API module and the communication interpretation module, wherein the distributed

component communication module provides enabling communication between the API module and the communication interpretation module.

Nagaoka teaches the interactive multi-media platform of claim 17, further comprising:

a distributed component communication module (e.g. mobile device) coupled to the API module (31) and the communication interpretation module (3), wherein the distributed component communication module provides enabling communication between the API module and the communication interpretation module (fig. 7; paragraph [0190]).

Therefore, it would have been obvious at the time the invention was made to have provided mobile phone access as taught by Nagaoka to the system of Stern to allow anyone with a mobile phone to participate in the interactive experience (paragraph [0190]).

Conclusion

9.   Claims 1-8, 11-18, 20-30, 33-35 are rejected.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hirl Joseph can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mushfikh Alam/
Examiner, Art Unit 2426
5/6/2010

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
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